

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR HENDRICKS COUNTY)

Case No. 32S00-1305-MS- **318**

ORDER APPROVING AMENDED LOCAL RULE

The judges of the Hendricks Circuit and Superior Courts request the approval of an amended local rule for special judge selection in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Hendricks Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR32-TR79-1 complies with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

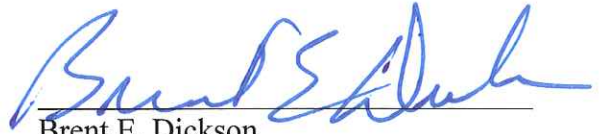
IT IS, THEREFORE, ORDERED by this Court that Hendricks County Local Rule, LR32-TR79-1, set forth as an attachment to this Order, is approved effective May 1, 2013, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Jeffrey V. Boles, Hendricks Circuit Court, P.O. Box 349, Danville, IN 46122-0349; the Hon. David H. Coleman, Hendricks Superior Court 2, One Courthouse Square, Suite 107, Danville, IN 46122; the Hon. Robert W. Freese, Hendricks Superior Court 1, One Courthouse Square, Suite 106, Danville, IN 46122; the Hon. Stephenie LeMay-Luken, Hendricks Superior Court, One Courthouse Square, Danville, IN 46122; the Hon. Karen M. Love, Hendricks Superior Court 3, One Courthouse Square, Suite 108, Danville, IN 46122-0243; the Hon. Mark Smith, Hendricks Superior Court, One Courthouse Square, Danville, IN 46122; to the Clerk of the Hendricks Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Hendricks Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment

for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on May 2, 2013.

A handwritten signature in blue ink, appearing to read "Brent E. Dickson", written over a horizontal line.

Brent E. Dickson
Chief Justice of Indiana

LR32-TR79-1
SPECIAL JUDGE SELECTION IN CIVIL CASES

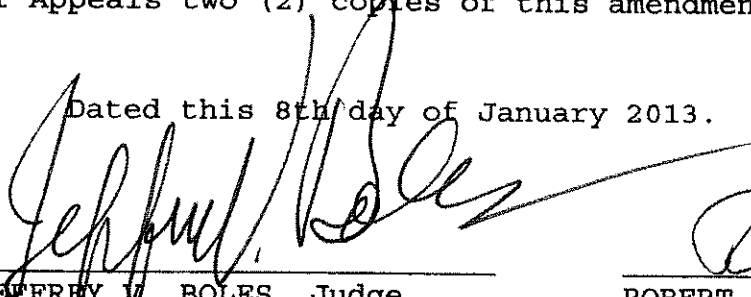
1. Pursuant to T.R. 79(C), A judge shall disqualify and recuse whenever the judge, the judge's spouse, a person within the third degree of relationship to either of them, the spouse of such a person, or a person residing in the judge's household:
 - (1) is a party to the proceeding, or an officer, director or trustee of a party;
 - (2) is acting as a lawyer in the proceeding;
 - (3) is known by the judge to have an interest that could be substantially affected by the proceeding; or
 - (4) is associated with the pending litigation in such fashion as to require disqualification under the *Code of Judicial Conduct* or otherwise.Upon disqualification or recusal under this section, a special judge shall be selected from a list of the current Circuit Court Judge, Superior Court Judges and Magistrates of the other county.
2. Pursuant to T.R. 79(D), within seven (7) days of the notation in the Chronological Case Summary of the order granting a change of judge or an order of disqualification, the parties may agree to an eligible special judge. The agreement of the parties shall be in writing and shall be filed in the court where the case is pending. Upon the filing of the agreement, the court shall enter an order appointing such individual as the special judge in the case and provide notice pursuant to Trial Rule 72(D) to the special judge and all parties. A judge appointed under this section shall have seven (7) days from the date of appointment to decide whether or not to accept the case and enter his or her decision. The filing of the acceptance vests jurisdiction in the special judge. An oath or additional evidence of acceptance of jurisdiction is not required.
3. Pursuant to T.R. 79 (H), the Clerk of Morgan County and the Clerk of Hendricks County shall maintain a separate list of all Circuit Court Judges, Superior Court Judges and Magistrates of Morgan County and Hendricks County to be used to randomly select a special judge in all cases in which the parties do not agree to a special judge, or a judge selected by the parties decides not to accept the case, as set out in this rule.
4. If the parties fail to agree to the selection of a special judge, the Clerk of the County in which the case is filed shall randomly select a special judge from the judges of that county and notify the Court, the selected special judge and the parties of the random selection.
5. If either of the counties of Morgan or Hendricks County do not have a sufficient number of regular sitting judges from which to select a judge from the county in which the case is filed, the Clerk of the County shall randomly select from a list of the current Circuit Court Judge, Superior Court Judges and Magistrates of the other county.
6. The sitting judge may forego the requirements set forth herein and certify immediately to the Indiana Supreme Court for the appointment of a special judge if the particular circumstances of a case warrant selection of a special judge by the Indiana Supreme Court.

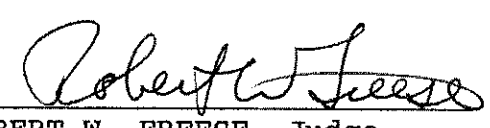
AMENDMENT TO THE
LOCAL RULES OF COURT
FOR THE
CIRCUIT COURT and SUPERIOR COURTS of
HENDRICKS COUNTY, INDIANA

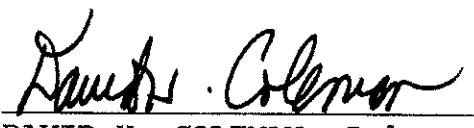
It is ORDERED that Local Rule LR32-TR-79-1 is hereby amended pursuant to the terms of the attached LR32-TR-79-1 dated January 8, 2013 and is effective January 8, 2013 pursuant to Trial Rule 81 of the Indiana Rules of Procedure.

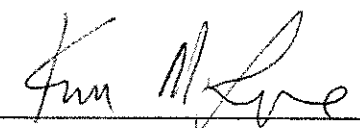
It is further ordered that the Clerk of Hendricks County shall furnish the Clerk of the Indiana Supreme Court and Court of Appeals two (2) copies of this amendment.

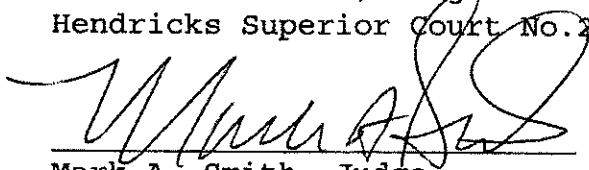
Dated this 8th day of January 2013.

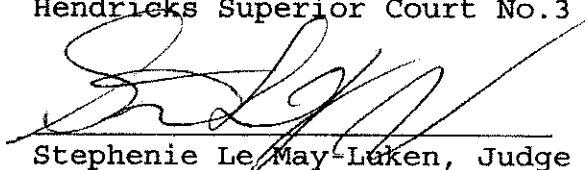

JEFFREY V. BOLES, Judge
Hendricks Circuit Court


ROBERT W. FREESE, Judge
Hendricks Superior Court No.1


DAVID H. COLEMAN, Judge
Hendricks Superior Court No.2


KAREN M. LOVE, Judge
Hendricks Superior Court No.3


Mark A. Smith, Judge
Hendricks Superior Court No.4


Stephenie LeMay-Luken, Judge
Hendricks Superior Court No.5